

CLERK, U.S. DISTRICT COURT
02/25/2025
CENTRAL DISTRICT OF CALIFORNIA
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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE CENTRAL DISTRICT OF CALIFORNIA

6 JEFF MACY, as an individual,

Case No.: 5:23-cv-02245-RGK-BFM

7 PLAINTIFF,

vs.

8 CALIFORNIA HIGHWAY PATROL, a State
9 Agency; Officer CHRISTOPHER BATES, in
his official capacity, Supervisor Officer
10 Sergeant JEFFREY O'BRIEN, in his official
capacity, and DOES 1-10, inclusive,

11 DEFENDANTS.

**PLAINTIFF'S NOTICE OF MOTION &
MOTION FOR SUMMARY JUDGMENT**

Date: March 18, 2025

Time: 10:00 a.m.

Judge: Hon. Brianna Fuller Mircheff

Trial Date: TBA

Action Filed: 5/06/2024

13 TO DEFENDANTS, & ATTORNEY FOR DEFENDANTS JULIO A. HERNANDEZ:

14 PLEASE TAKE NOTICE that on Maarch 18, 2025 at 10:00 a.m., or as soon
15 thereafter as this matter may be heard in Courtroom No. 780, of the above-
16 entitled court, located at the Edward R. Roybal Federal Building & United States
17 Courthouse, 255 East Temple Street, Courtroom 780, 7th Floor, Los Angeles,
18 California 90012, Plaintiff Jeff Macy, pursuant to Federal Rules of Civil Procedure
19 56 & Local Rules, Rules 56-1 to 56-4, will & hereby move to Court for an order of
20 summary judgment in favor of Plaintiff Jeff Macy against Defendants Bates &
21 O'Brien as to the Sixth Cause of Action of Plaintiff's Second Amended Complaint
22 as alleged against Defendants Bates & O'Brien.
23

24 This motion is based on this notice of motion & motion for summary
judgment. Plaintiff has already factually won a 2-day trial against Defendant
25 Officer Christopher Bates. On October 23-24, 2023, Case #: 23IN-065744. Jeff
26 Macy was **innocent** of the seat belt misdemeanor infraction traffic ticket; &
27

1 \$153.00 was returned in full. (Jeff Macy was not responsible to pay the seat belt
2 ticket.)

3 Defendants own ticket itself charge: CT 001 VC "**No Seat Belt**"- arresting
4 Defendant Officer Bates admits Plaintiff's family had seatbelts on, & says
5 "**...secured by a non-factory equipped seat belt**" <-Word for word from Officer
6 Bates own ticket!

7 Officer Bates unlawfully ordered Plaintiff's kids to get out of Plaintiff's truck
8 towards the end of the stop, further endangering Plaintiff's Family on HWY 18,
9 high speed road, so he could illegally enter without permission into Plaintiff's
10 truck (4th Amendment Violation). Plaintiff & Family could have gotten hit by
11 traffic while standing on the Highway 18 road in the hot sun for over 1 hour.

12 It was an unlawful police detention on suspicion of out of view no
13 seatbelt, yet Officer said everyone had a secured seatbelt on! – "**Unlawful**
14 **police detention is when law enforcement, without legal justification, restricts**
15 **your freedom to leave. Doing so constitutes a civil rights violation based on the**
16 **Fourth Amendment. That amendment to the U.S. Constitution prohibits officers**
17 **from conducting unreasonable searches or seizures.**"

18 Defendants Highway Patrol Officers Christopher Bates & Sergeant Jeffrey
19 O'Brien violated Plaintiff Jeff Macy's Federal Civil Rights. 1st Amendment Right to
20 record police! (*Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011) "is a case in which the
21 United States Court of Appeals for the First Circuit held that a private citizen has
22 the right to record video & audio of police carrying out their duties in a public
23 place." Highway Patrol Officer Jeffrey O'Brien said, "Not allowed to record
24 during his (highway patrol officer) traffic stop". Plaintiff's son Josiah Macy took
25 over recording at Jeff Macy's request for fear of his safety. Defendant Jeffrey
26 O'Brien would not allow Plaintiff Jeff Macy to record. Jeff Macy was ordered
27

1 that he cannot investigate. Illegal traffic stops said by Officer Bates for.
2 "Suspicion of non-factory installed vehicle seat belt". ←Police are not above the
3 Law. Federal Civil Enforcement. (34 USC §12601)

4 No where does vehicle code say, "Must have a manufactured factory
5 installed seat belt?" Illegal search & seizure. Officer Bates climbed up into
6 Macy's trash truck & took pictures without permission. (The pictures are self-
7 evident of this violation as video recorded by Josiah Macy.) Civil Rights Act 1871
8 (42 USC §1983) "Willfully" 18 USC § 242 "Specific intent" (Screws v U.S. 91 (1945)
9 Federal civil rights crimes: "A pattern or practice by LAW ENFORCEMENT
10 OFFICERS to deprive people of their constitutional rights." (34 USC § 12601)

11 Plaintiff also has video recording of Defendant Officer Bates with a folded
12 over shirt intentionally covering Defendant Officers name tag, & refused to
13 identify himself in full, even when requested many times by Jeff Macy.

14
15
16
17 Respectfully Submitted,

18
19 By Plaintiff: Jeff Macy
20 Jeff Macy

21 (Bible Translator & Director of Religious Organization 1611Bible.us)

22 Dated: 2/12/25
23
24
25
26
27

DECLARATION OF SERVICE BY E-MAIL

Case Name: Macy, Jeff, v. California Highway Patrol, et al.

Case No.: 5:23-CV-02245-RGK-BFM

I declare:

1. I am at least 18 years old.
 - a. My residence or business address is: P.O. Box # 433, Twin Peaks, CA 92391.
 - b. My electronic service address is: Jerushastar@gmail.com.
2. I electronically served the following documents: **PLAINTIFF'S NOTICE OF MOTION & MOTION FOR SUMMARY JUDGMENT.**
3. I electronically served the documents listed in 2 as follows:
 - a. Name of person served: Julio Hernandez & Donna Kulczyk.

On behalf of: Defendants California Highway Patrol, Officer Christopher Bates, Supervisor Officer Sergeant Jeffrey O'Brien, & Does 1-10
 - b. Electronic service address of person(s) served:

Julio.hernandez@doj.ca.gov & Donna.kulczyk@doj.ca.gov
 - c. On: 2/12/2025

Date: 2/12/25

I declare under penalty of perjury under the laws of the State of California that the foregoing is true & correct.

Jerusha Macy
Jerusha Macy